

131 Oxford Road, Kidlington

15/01106/OUT

Ward: Kidlington South

District Councillor: Cllrs Billington,
Griffiths and Prestidge

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr I Maghounaki

Application Description: Outline – Demolition of existing bungalow and erection of 5 no two bedroom flats and associated car parking, cycle parking, bin storage and amenity areas.

Committee Referral: Member Request

Committee Date: 6 August 2015

1. Site Description and Proposed Development

- 1.1 The site incorporates a detached bungalow located on the north-eastern side of Oxford Road, Kidlington. This is a classified highway, with a bus stop and associated layby immediately north of the application site. The site itself extends through to a public footpath at the rear, which runs between the gardens of properties on Oxford Road and Blenheim Road.
- 1.2 This part of Oxford Road consists of individually designed 1, 1.5 and 2 storey properties. The style of these dwellings varies, but typically they incorporate render facades set below hipped, tiled roofs. Constructed post-war, there has been some redevelopment in recent decades. This includes Turner Court to the south which provides smaller 2 storey red brick properties.
- 1.3 The existing buildings will be demolished, to enable construction of 5 two bedroom flats across three floors. The application is accompanied by plans which show a building based around a rectangular form, the building being aligned along the side boundary with number 129, and is 9.4 metres wide. A two storey side projection 1.6 metres is then in addition to this, incorporating the access point and circulation space (maximum 11.0 metres wide in total). The depth of the building varies between 12.6 and 16.8 metres, reflecting the stepped front and rear building lines.
- 1.4 The building is designed as a two storey structure with eaves at 5.4 metres to the front and rear, with the third floor set within the roof space, which projects to 8.9 metres. The roof offers a double ridge parallel to the highway, with a central roof crown enclosed by sloping side roof profiles. A chimney stack is provided adjacent to this section on the north-western flank gable. To the rear there is a projecting 2.5 storey gable. This provides a ridge at 7.7 metres.
- 1.5 The building is proposed to be constructed from a mix of red brick, render and timber cladding below a concrete tile pitched roof and single ply membrane flat roof. The main entrance door will be timber, with all other windows and doors dark grey UPVC. Eight photovoltaic panels are proposed on the front roof slope.

- 1.6 This is an outline application, with all matters for consideration at this stage except for landscape.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was 23 July 2015.

Objection letters have been received from five different households. The following issues were raised:-

Material planning comments:

- Out of character: appearance, character, layout, orientation, scale and density
- Loss of Amenity to neighbouring residents: overlooking, loss of outlook, loss of light, disturbance due to access position and intensification of use, environmental concerns from vehicle fumes
- Increased pressure on already overloaded public services: sewerage and drainage systems; doctor surgery.
- Highway and pedestrian safety issues: insufficient parking proposed, conflict with bus queues along Oxford Road, poor visibility splays,
- Flooding due to increase in impermeable area on site

Non-material comments:

- Errors in Design and Access Statement as refers to previous withdrawn scheme design; misleading information provided
- No pre-application consultation undertaken with neighbours
- Development within Green Belt should be resisted (site not designated as such)

3. Consultations

- 3.1 **Kidlington Parish Council:** Object on the following grounds:
Design not sympathetic to character of area
Detrimental to residential amenity of adjoining properties
Insufficient parking provision which will add to existing problems in area
Highway safety issues due to high footfall along Oxford Road and proximity to bus stop

Cherwell District Council Consultees

- 3.2 **Environmental Protection Officer:** Response awaited
- 3.3 **Ecology:** Response awaited
- 3.4 **Landscape:** Response awaited
- 3.5 **Urban Design:** Response awaited

Oxfordshire County Council Consultees

- 3.6 **Highways Liaison Officer:** Response awaited

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 2031 Part 1

The following policies are considered to be relevant:-

PSD 1	Sustainable development
BSC 2	Effective and efficient use of land
ESD 1	Mitigating and adapting to climate change
Villages 1	Village Categorisation
Villages 2	Distributing growth across the rural areas

Adopted Cherwell Local Plan 1996 (Saved Policies)

C28	Layout, design and external appearance of new development
C30	Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:-

H1a	Location of new housing
TR5	Road safety
TR11	Parking
Appendix B	Parking standards

Planning and Design Guidance: Sub Division of Buildings for Residential Use (February 2011)

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Relevant Planning History

- Principle of Development
- Layout
- Scale and Design
- Residential Amenity
- Highway and Parking

Relevant Planning History

Application Site

- 5.2 A planning application seeking demolition of the existing bungalow and annex and construction of a new block containing 6 dwellings (2 flats and 4 maisonettes), plus a bungalow and associated works was submitted in February 2015 (15/00182/OUT). The application was subsequently withdrawn.

Other Sites

- 5.3 The following other planning applications are relevant to this proposal:-
- 3 Bicester Road – 11/01419/OUT
Demolition of the existing dwelling and construction of a building containing 7 apartments was approved 10 January 2012. This provided a three storey building, with the upper floor contained completely within the roof.
 - Rear of 7 and 7A Bicester Road – 12/01380/OUT
Redevelopment of a redundant builder's yard and buildings to provide four apartments within a three storey building was approved 14 August 2013.
 - Buryberry House, 9 Blenheim Road – 12/01761/OUT & 13/00767/REM
Demolition of the existing building and redevelopment with five apartments and a dwelling pair. Designed as three storey buildings, these applications were approved on 29 April 2013 (outline) and 8 August 2013 (reserved matters).

Principle of Development

- 5.4 The site is located within Kidlington, a sustainable location where minor development is considered acceptable. Provision of additional dwellings in this location is therefore supported by sustainable location policies, subject to compliance with other detailed policies.
- 5.5 In terms of the sub-division of housing plots, neither the Local Plan 2011- 2031 Part 1 nor the Local Plan 1996 have policies on this matter. An assessment needs to therefore be made in respect of the individual aspects that such a proposal may bring, in respect of impact on neighbouring amenity, the wider area and highways/parking.
- 5.6 The application site incorporates 821 sq m, offering a reasonably large plot for a single property. The area incorporates various plot sizes, reflecting in part the alignment of the highways and redevelopment opportunities that have come

forward already. Intensification of sites has been considered acceptable in recent years, as noted in the planning history section above. The replacement of a single dwelling with a modest sized block of flats is therefore considered acceptable in principle and in accordance with Policy PSD 1 of the Adopted Cherwell Local Plan 2031 Part 1, Policies H1a and H15 of the Cherwell Non-Statutory Local Plan and the Framework.

Layout

- 5.7 The proposal seeks to reposition the building 3.7 metres further into the site than the current bungalow. There is a staggered building line along this part of the street, and thus the realignment of the building at number 131 will not therefore be uncharacteristic. The overall site layout provides vehicle parking between the building and highway, with the land to the rear reserved for amenity space, bin storage and secure cycle store. This offers an overall layout that is akin to the character of the area and protects the quiet environment to the rear of properties along this street.
- 5.8 In terms of the access and parking arrangements, these are considered under a separate heading below. However, their integration into the scheme enables some soft landscaping between the highway and building to be provided. This includes a narrow strip adjacent to the highway which will soften the street scene appearance of the parking forecourt.
- 5.9 The replacement building is comparable in terms of its footprint scale to that of the bungalow to be demolished. A building footprint of this size can therefore be accommodated on site, subject to the provision of sufficient supporting facilities and protecting residential amenity (see sections below for consideration).
- 5.10 The layout of the site offers scope to provide a sustainable drainage system for the development. No information has been submitted to clarify whether this is a feasible option on the site, but any such investigation could be conditioned to an approval. Discharge to the public sewer would be kept at or below the current discharge levels, ensuring no additional pressure occurs on the public network as a result of this development.
- 5.11 The layout is therefore considered to be in accordance with Policy ESD1 of the Cherwell Local Plan 2031 Part 1 and Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.

Scale and Design

- 5.12 Design of buildings should not be prescribed by the Council, but it is recognised that any development should be of high quality and respect its location appropriately. The immediate context to the application site is one of traditional 1 and 2 storey hipped roof properties, which are mostly rendered. Fronting onto a straight section of highway, it is within this context that the proposed frontage building will be viewed.
- 5.13 The proposed building will replace a dormer bungalow, resulting in an increase in the ridgeline of 3.6 metres. With a main ridgeline at 8.9 metres, the building

will project notably above the two adjoining properties. Number 129 is a hipped roof dormer bungalow with a ridge set at 5.2 metres (3.7 metres lower than the proposed building) and number 133 is a two storey house with a ridge at 7.1 metres (2.8 metres lower). This results in a structure that projects notably above the established building pattern of this part of the street, forming an incongruous and prominent structure.

- 5.14 The width and design of the proposed building does not assist in reducing its bulk. The main body of the building is comparable in width to the surrounding properties, as well as the bungalow to be demolished. However, with gable ends and a two storey ancillary element to the side, its mass is significantly larger than the adjoining properties and the bungalow to be demolished. Its depth and high hipped roof/central crown maintains the mass of the building, such that it would appear as a prominent and dominant structure within the street scene, regardless of its set-back from the highway.
- 5.15 The fenestration of the building, offers a structure that takes little cues from the surrounding properties. Whilst this can be an acceptable approach, the resultant building needs to be of high quality. The proposal offers simple rhythm to the front windows, using steps in the façade and projecting box windows at ground and first floor and the associated materials palate to generate interest. The result is a relatively plain design, with too many materials incorporated. The lack of a front door in this main façade does not aid its legibility or appearance, whilst the actual entrance appears as part of an ad hoc side extension. This side projection does not aid the appearance of the building, whilst its overall front design does not appropriately break down its mass to warrant the justification for a larger building.
- 5.16 The same is true for the side elevations. Little architectural detailing is provided, with the two gables appearing as monolithic structures, augmented by the high connecting roof crown. The chimney stack is a feature of note to be incorporated, but does little on its own to enliven this deep elevation.
- 5.17 In contrast to the front and side elevations, the rear façade offers a more balanced appearance, with a central gable breaking up the width of the building. The height of this gable also reduces the apparent scale of the roof, integrating the wall and roof sections together. The façade would benefit from a simplification of the facing materials, but overall this elevation is considered acceptable.
- 5.18 The approval of contemporary designed buildings has been acceptable on other nearby sites (eg 3 Bicester Road, rear of 7 and 7A Bicester Road and 9 Blenheim Road), illustrating that such schemes can be considered acceptable. The quality of a proposal and location of a site are both central to such a design being acceptable. Insufficient architectural detailing and design quality are incorporated to break down the mass of the building proposed, whilst its location is not at a key juncture to justify a building of the scale proposed. The proposal, through its poor design and overall scale, is therefore considered inappropriate and will harm the character and appearance of the street scene, contrary to the good design ethos of the Framework and Policies C28 and C30 of the Adopted Cherwell Local Plan 1996.

Residential Amenity

- 5.19 The development has the potential to impact upon the adjoining properties 129 and 133 Oxford Road. Sufficient space is provided to the properties on Blenheim Road to the rear to ensure no loss of amenity occurs.
- 5.20 Number 129 is located to the north of the application site and forms a dormer bungalow. This property is set 1.9 metres off the side boundary, with a window facing towards this side boundary. This is understood to be the only window serving a bedroom. The repositioning of the new building closer to the boundary and the notable increase in the ridge will have a significant impact upon the light and outlook to this bedroom window. The existing relationship between the bungalow on site and this window is already likely to fail BRE recommendations for light and outlook. Reducing the situation further cannot be considered acceptable.
- 5.21 Whilst the dwelling associated with number 129 is located off the side boundary with the application site, a detached garage that is set within the rear garden is located on the shared boundary. The arrangement of the garage to the rear of number 129 and the setting of the dormer window in the roof beyond a ridgeline parallel to the application site, means that views of the new building will be limited from number 129. The closest section of the proposed building to number 129 is actually reduced in depth compared to the existing building, and is only set marginally further back in the central part of the site. The additional height increases its mass and thus impact, whilst the orientation will reduce sunlight to the garden, but not to a level that this relationship is considered to harm its amenity.
- 5.22 Number 133 is a two storey property located to the south of the application site. It is set 1.2 metres off the side boundary and incorporates side facing windows. Of particular note, is the first floor bedroom window located within the front section of number 133. The relocation of the new building could be said to improve the relationship to this window. However, the bulk will further impact upon the outlook from it.
- 5.23 There are three other side facing windows: ground floor apertures to the dining area and the kitchen and a first floor window to a bedroom. This bedroom window is believed to be a secondary window and whilst there will be an impact upon the outlook, the relationship is considered acceptable. The kitchen door also forms a secondary aperture and the relationship is therefore acceptable. The dining room forms part of a room that extends across the central part of the property, with a side facing window on both flank walls. Sunlight will mainly be obtained from the south facing window, with less gained through the northern window that faces towards the application site. However, as the building is comparatively wide at circa 8 metres, it provides important light to this room. The existing bungalow is located closer to this window by 3.4 metres than the proposed new building and this extra distance will in part off set the harm caused by the additional height. Whilst light will still reach the window, the extent of the additional height and mass from this side view is considered to result in a detrimental impact upon the outlook.

- 5.24 To the rear, the closest windows serve the kitchen and a bedroom. The extension has been designed to ensure compliance with the 45 degree rule, such that the outlook is not excessively curtailed. However, the extent of projection beyond number 133 and the design of this building such that it provides a high blank gable towards the neighbouring property will still result in an oppressive outlook from the rear of the neighbouring property.
- 5.25 The proposed building has been designed to provide all windows on the front and rear elevations. This will direct views largely over the amenity space associated with number 131. Some views will be possible over the adjacent gardens, but this relationship is not materially different to that already occurring with the dormer bungalow on site. No loss of privacy is therefore considered to occur to the adjacent properties or their gardens.
- 5.26 The proposed development is therefore considered to have an unacceptable impact upon the light and outlook of 129 and 133 Oxford Road. The proposal is therefore contrary to Policy C30 of the Adopted Cherwell Local Plan.

Highways

- 5.27 Comments from OCC Highways have not been received at the time of writing, and thus consideration of the highway matters are all subject to no contradictory views from this statutory consultee.
- 5.28 The proposal is seeking to amend one of the existing access points onto Oxford Road. This will be widened to 4.8 metres, enabling vehicles to pass in both directions. Although the access will be close to the bus stop, there is no issue in respect of visibility splays in either direction, and thus access to the site is possible in principle. The internal layout enables vehicles to manoeuvre, allowing cars to enter and egress in a forward gear. This will protect highway safety and the free flow of vehicles along Oxford Road.
- 5.29 For this development of five units, there is a maximum parking requirement of 10 car parking spaces. Five spaces are proposed, along with secure cycle parking to the rear. Given the sustainable location of the site, the level of parking proposed is considered acceptable.
- 5.30 Parking and highways are therefore considered acceptable and in accordance with Policies TR5 and TR11 and Appendix B of the Non-Statutory Cherwell Local Plan, subject to no technical objection being raised by OCC Highways.

Consultation with Applicant

- 5.31 The concerns in respect of this planning application have been highlighted to the agent. These cannot be resolved through amendments to the current proposal, and as such the agent has been informed that the proposal would be recommended for refusal if it was not withdrawn.

Conclusion

- 5.32 The proposed development is considered to be excessive in scale and mass, such that it will be overdominant within the street scene. Its poor design will result in a harmful addition to the street scene, which should be resisted.
- 5.33 The scale, and position of the building will undermine the amenity of the neighbouring properties (129 and 133 Oxford Road) by reason of an overbearing relationship, loss of outlook and loss of sunlight.
- 5.34 The proposal is therefore considered unacceptable and contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan 1996 and the National Planning Policy Framework.

6. Recommendation

Refuse, for the following reasons:-

1. The proposed development, due to its design, height, scale and mass would appear as an incongruous and overdominant structure, to the detriment of the character and appearance of the street scene. The proposal is considered contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan and the National Planning Policy Framework.
2. The proposed development due to its scale and position would lead to significant loss of amenity to 129 and 133 Oxford Road through loss of sunlight, loss of outlook and overbearing impact. The proposal is thereby contrary to Policy C30 of the Adopted Cherwell Local Plan.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.